

March 25, 2004

VERIZON MAINE
Petition for Consolidated Arbitration

PROCEDURAL ORDER

I. BACKGROUND

On February 20, 2004, Verizon Maine (Verizon) filed with the Commission a Petition for Consolidated Arbitration. The Petition requested that the Commission arbitrate disputes between Verizon and competitive local exchange carriers (CLECs) and Commercial Mobile Radio Service (CMRS) carriers relating to Verizon's October 2, 2003, proposed amendment to all interconnection agreements.

On March 2, 2004, the D.C. Circuit Court of Appeals released its decision in the *United States Telecom Ass'n v. FCC* case (*USTA II*).¹

On March 5, 2004, the CLEC Coalition filed a Motion to Dismiss Verizon's Petition as well as a First Set of Data Requests. On that same day, Skowhegan Online, Inc. filed a letter adopting the position contained in the CLEC Coalition's Motion to Dismiss.

On March 9, 2004, Verizon filed a letter proposing a procedural schedule for the matter. On March 10, 2004, the CLEC Coalition filed a letter opposing Verizon March 9th proposed procedural schedule. Also on March 10, 2004, Sprint filed a Motion to Dismiss Verizon's Consolidated Arbitration Petition. On March 15, 2004, the CLEC Coalition filed a letter supporting Sprint's Motion to Dismiss.

On March 19, 2004, Verizon filed an Update to Petition which Verizon characterized as updating the February 20th Petition to reflect the decision in the *USTA II* decision. Also on March 19, 2004, Verizon filed its Opposition to the Motions of Sprint and the CLEC Coalition to Dismiss the Petition. Also on March 19, Skowhegan Online, Inc. filed a letter objecting to certain procedural aspects of Verizon's Petition.

On March 24, 2004, the CLEC Coalition submitted a letter containing a copy of a decision from the Maryland Public Utilities Commission dismissing Verizon's Petition for Arbitration in that state.

¹Case no. 00-1012, slip op. dated March 2, 2004, available at <http://www.cadc.uscourts.gov/docs/common/opinions/200403/00-1012b.pdf>

II. PROCEDURAL SCHEDULE

We have determined that we must litigate the issues involved in this case as well as those in the Wholesale Tariff Case (Docket No. 2002-682) in the most efficient manner possible. This may require moving issues from one case into the other case; it may also require delay on certain issues until preliminary legal questions are resolved. We will be reviewing all of the issues raised in both dockets as well as the holdings of *USTA II* to determine how best to proceed. Before a schedule can be established, however, we must first address the two pending Motions to Dismiss. Responses (both opposing and in support) to the two Motions must be filed by **April 2, 2004**. The Response should include:

1. Each party's assessment of its posture (in terms of the continued applicability and enforcement of its existing interconnection agreement) if the Motions are granted;
2. Each party's response to Verizon's arguments concerning Paragraphs 703 and 704 of the *Triennial Review Order*, including footnote 2088.

Parties may also file at that time any suggestions they have concerning the development of a procedural schedule. (It would be helpful if parties used intervals, i.e. "response due in 10 days" rather than specific dates.)

BY ORDER OF THE HEARING EXAMINER

Trina M. Bragdon